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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,208	04/21/2004	David Gascoyne	148527-1	3207
43248	7590	10/19/2005		
CANTOR COLBURN LLP 55 GRIFFIN RD SOUTH BLOOMFIELD, CT 06002				
EXAMINER MAI, THIEN T				
ART UNIT			PAPER NUMBER	
2876				

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,208

Applicant(s)

GASCOYNE ET AL.

Examiner

Thien T. Mai

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 27-32 is/are allowed.
- 6) ☒ Claim(s) 19-24, 26, 33-34 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/2004 5/6/2004
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2876

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because its entire content must fit a single sheet of paper and must not exceed maximum allowed amount of 150 words. Correction is respectfully requested.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim 20, the phrase "versions thereof" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim(s) 19-24 and 26 is/are rejected under 35 U.S.C. 102(e) as being unpatentable over Oshima (20050163026)

Regarding claim 19-21 and 33, Oshima discloses a device comprising:

- a reading device of optical data storage medium as an analog measurement device having a polarizer and is capable of generating an analog signal detected by a photo-detector in the reading device (Specification par. 0017, Fig. 9C).

Art Unit: 2876

- a comparator that determines the detected signal is from an authentic medium by comparing a write-once information (or BCA data) written in strips 220a and 220b to predetermined area of an optical disk with watermark information. Then, the video signal is outputted if the two information match. See Fig. 41-42 and reference text below:

“[0216] If main information, such as a video signal, is recorded on the BCA disks 11a, 11b, or 11c, the BCA reproduction portion 39 first reads out the BCA signal including the different IDs, as shown in FIG. 41. Then, a watermark recording portion 264 converts the video signal by superimposing the BCA signal and a recording circuit 272 records the converted video signal on the BCA disks 11a, 11b, and 11c (300 (240, 800) in FIG. 41).

When the video signal onto which the BCA signal has been superimposed is reproduced from the BCA disk 300 (240, 800), the BCA reproduction portion 39 reads out the BCA signal of the disk, and detects it as the ID1 of the disk. A watermark reproduction portion detects the video signal onto which the watermark has been superimposed as disk ID2. A comparator compares the ID1 read out from the BCA signal with the disk ID2 read out from the watermark of the video signal, and when the two IDs do not match, the reproduction of the video signal is stopped. As a result, the video signal of an illegal disk onto which a watermark that is different from the BCA signal has been superimposed cannot be replayed.

On the other hand, if both IDs match, a descrambler 31 descrambles the video signal with the superimposed watermark using a compound key comprising ID information read out from the BCA signal, and the video signal is output. “ (Specification par. 0216)

- an information device capable of reading from and writing data and/or watermark onto the optical disk and is in communication with the comparator. (Fig. 14, 42)

Art Unit: 2876

Regarding claim(s) 22, Oshima discloses a CATV station, as kiosk system, is setup to comprise a reproduction apparatus to reproduce video onto pre-manufactured disks supplied by film studio (Specification par. 00219, 00234)

Regarding claim(s) 23, Oshima discloses a receiver 50 capable of receiving data storage medium from an external source broadcasted from a broadcasting device (Specification par. 0227)

Regarding claim(s) 24, Oshima discloses the reader component is used to measure a light reflected from an optical disk (Fig. 7-10).

Regarding claim(s) 26, Oshima discloses there are at least two different BCA stripes on the disk to be measured (Specification par. 0118) and that the BCA stripes are made into a barcode that can be scanned using a barcode scanner (Specification par. 0161, Fig. 22), inherently implies at least two different detected analog signatures from each stripe are generated by the measurement device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim(s) 34 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima (20050163026) in view of Shchegolikhin (20020025490).

Regarding claim(s) 34, Oshima discloses all limitations set forth in this claim as discussed above except for the determination of detected analog signature comprises comparing it at least three distinct spectral ranges. Shchegolikhin discloses to determine an identity of an authentic mark, the mark is exposed to laser light and the obtained detected signal is compared to one or more reference spectra. Shchegolikhin further discloses multiple light spectra being employed for the comparison: visible, near infrared, and middle-infrared light, or red-blue-green lasers (Specification par. 0188, 0033, 0015).

Art Unit: 2876

Therefore, it would have been obvious at the time of invention to one of ordinary skill in the art to be motivated to employ the method of verifying an authentic medium as taught by Shchegolikhin so that accuracy in the verification is achieved.

Allowable Subject Matter

8. Claims 1-18 are allowed,

9. The following is a statement of reasons for the indication of allowable subject matter:

Prior art does not teach an authentication system comprising two light sources and at least three light sensing devices, wherein

- the first light source capable of generating a photoluminescent emission from a medium having a luminescent tag and a color,
- the second light source capable of generating a second analog response different from the luminescent emission, and
- the light sensing devices are for detecting analog emission intensity in a spectral sensitivity range

wherein each light sensing device has a different device spectral sensitivity range which includes at least a portion of the visible multi-wavelength spectral distribution, and

wherein the device spectral sensitivity range of at least one of the light sensing devices includes at least a portion of a desired photoluminescent emission wavelength range; and

wherein each light sensing device is configured to receive at least one of the photoluminescent emission and the second analog signal.

10. Claims 25 is/are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2876

11. Claims 27-32 are allowed with similar arguments as in claims 1-18. Claims 27-34 involve with a method of using a device of claim 1.

Art Unit: 2876

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thien T Mai
Examiner
Art Unit 2876

TM



**THIEN M. LE
PRIMARY EXAMINER**